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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,781	06/07/2001	David S. Klutz	2957	8834

7590 03/24/2005

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EXAMINER

BOYD, JENNIFER A

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/876,781

Applicant(s)

KLUTZ ET AL.

Examiner

Jennifer A Boyd

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-75 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 27, 2004 has been entered. The Applicant's Amendments and Accompanying Remarks, filed December 27, 2004, have been entered and have been carefully considered. Claims 44 – 45 are amended and claims 23 – 75 are pending. In view of Applicant's arguments, the Examiner withdraws the rejection of claims 30 – 31 as set forth in paragraph 10 of the Office Action dated January 21, 2003. The invention as currently claimed is not found to be patentable for reasons herein below.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

3. Claims 23 – 24, 26, 29 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Leonard Farias' research report entitled *Comparison Study of Polymer Research Finish to a Conventional Resin System: A Laundering Study*. The details of the rejection can be found in paragraphs 8 – 9 of the Office Action dated January 21, 2003. The rejection is maintained.

Art Unit: 1771

4. Claims 23 – 24, 26 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Cain (US 3,634,126).

Cain is directed to a process for controlling location of composition in fabric (Title). Cain teaches that the invention provides for depositing two different compositions on two fabrics wherein each surface of the fabrics contains predominately different compositions (Abstract). Cain notes that the process makes it possible to locate additives on the face of a fabric and it is possible to locate other compositions on the back of the fabric to obtain the desired properties of the additive without detracting from the desired properties of the face (column 2, lines 60 – 70). Examples of suitable compositions for each face are aminoplast resins for improving the durable press characteristics and softeners (column 3, lines 20 – 35). Cain teaches in Example 1 that the fabric comprises 35% cotton fibers (column 4, lines 70 – 75).

Claim Rejections - 35 USC § 102/103

5. Claims 32 – 35, 38 – 46, 48 – 51, 53 – 65 and 67 - 75 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Leonard Farias' research report entitled *Comparison Study of Polymer Research Finish to a Conventional Resin System: A Laundering Study*. The details of the rejection can be found in paragraphs 11 - 12 of the Office Action dated January 21, 2003. The rejection is maintained.
6. Claims 44 and 45 have been amended to correct minor issues with the claim language. The rejection is maintained for claims 44 – 45.

Claim Rejections - 35 USC § 103

Art Unit: 1771

7. Claims 25, 27, 28, 36, 37, 47, 52 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leonard Farias' research report entitled *Comparison Study of Polymer Research Finish to a Conventional Resin System: A Laundering Study*. The details of the rejection can be found in paragraph 13 of the Office Action dated January 21, 2003. The rejection is maintained.

8. Claims 30 - 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwemmer et al. (US 3,811,834).

Schwemmer is directed to a new and improved method of finishing cellulose-containing textile materials, especially to render such shrinkage resistant, crease resistant and to impart thereto permanent press properties, etc., through the use of reactive finishing agents, drying of the textile material occurring following application of the finishing agent (column 1, lines 5 – 25). The finishing technique of the present invention contemplates application of a bath containing the reactive finishing agent or agents, possibly also auxiliary agents such as softeners, etc., to the textile material in such a manner that the textile material is imbued as uniformly as possible and at all locations thereof with the finishing bath (column 1, lines 20 – 26).

Schwemmer teaches that if a bath is applied which consists of a number of partial baths, then a special applicator or kiss roll can be provided for each such bath. The possibility thus exists of applying the different partial baths to the same face of the textile web or when working with two partial baths to apply each respective partial bath to a respective face of such textile web (column 13, lines 28 – 40). It should be noted that in one embodiment a partial bath may comprise of material to impart permanent press properties and another partial bath may comprise softener.

Schwemmer teaches the claimed invention above but fails to teach the combination of applying different partial baths to the same face of the textile web (i.e. softener partial bath and permanent press partial bath) **and** a partial bath of softener on the opposing side of the textile. It would have obvious to one of ordinary skill in the art at the time the invention was made to apply a partial bath of softener to both sides and a partial bath of permanent press treatment to the opposing side motivated by the desire to create a soft and crease-free textile material while minimizing the use of finishing agents.

Response to Arguments

9. Applicant's arguments filed July 23, 2003 have been fully considered but they are not persuasive.

10. In regards to Applicant's Arguments that the characterization of the scope of Farias report is incorrect, the Examiner respectfully argues the contrary. In Leonard Farias' research report entitled *Comparison Study of Polymer Research Finish to a Conventional Resin System: A Laundering Study*, it is stated that "the optimum resin/softener system may require the application of the resin to one side of the fabric (back) and the application of softener/lubricant(s) to the opposite side (face) of the fabric in order to produce a quality value added product with respect to color retention and resistance to frosting". The Farias report states that the resin and softener/lubricant are each applied to opposite faces. According to the Merriam-Webster dictionary, the term isolated is defined as "to set apart from others". Upon Application, the resin and softener/lubricant are set apart from each other by applying the two systems on opposing sides. According to Merriam-Webster dictionary, the term "substantially" is

Art Unit: 1771

defined as “being largely but not wholly that which is specified”. Although, the Examiner does concur that a portion of resin and softener/lubricant systems will shift from the respective application sides, a *substantial* portion will remain on the application sides. Therefore, a large portion, or “a substantial portion”, of each of the substances will remain at the point of application, or each of the respective faces. In combination, the term “substantially” lessens the degree of isolation and the Examiner submits that the rejection remains valid.

11. In response to Applicant’s argument that Applicant’s invention is a result of specific controlled process steps, the Examiner submits that the Applicant does not claim those process steps. The Applicant indicates that the chemistries are applied substantially simultaneously to achieve Applicant’s claimed level of substantial isolation of the chemistries on both sides of the fabric. If the Applicant wishes for the Examiner to give weight to such limitations, it is suggested to revise the claim language to include those limitations.

12. Applicant's arguments with respect to claims 30 – 31 as being anticipated by Richardson (US 3,770,489) have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Smith (US 3,445,277) is directed to a shape holding cellulosic fabric produced by treating it preferentially on one side as by coating one side of the fabric with a thickened mixture of a creaseproofing agent (column 1, lines 14 – 30). Coating on the face as well as the back may often

Art Unit: 1771

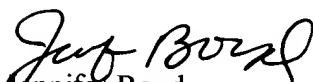
may desirable for aesthetic reasons, e.g. to preserve the luster of a fabric or improve its hand (column 5, lines 40 – 45).

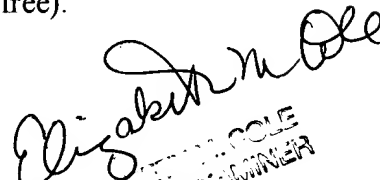
Parker (EP 89306807.2) is directed to a resilient cotton fiber which are finish-treated by saturating the fibers in a finish solution of durable press resin and a lubricant. The solution is then dried and cured such that the resin is saturated and cured and cross-linked to the interior of the fibers while the lubricant is maintained at or near the surface of the fibers (Abstract).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A Boyd whose telephone number is 571-272-1473. The examiner can normally be reached on Monday thru Friday (8:30am - 6:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jennifer Boyd
February 25, 2005


ELIZABETH M. COLE
PRIMARY EXAMINER